

REMARKS

In the Office Action mailed February 10, 2005, the Examiner rejected claims 1 and 4-7 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,684,242 to Bahlman in view of U.S. Patent 6,750,879 to Sandberg. The Examiner rejected claims 2-3 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,684,242 to Bahlman in view of U.S. Patent 6,750,879 to Sandberg and U.S. Patent 6,393,478 to Bahlman. The Examiner rejected claims 8-10 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,684,242 to Bahlman in view of U.S. Patent 6,750,879 to Sandberg and U.S. Patent 6,356,633 to Armstrong. The Examiner rejected claims 11-15, 17-28 and 30 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,393,478 to Bahlman in view of U.S. Patent 6,356,633 to Armstrong. The Examiner rejected claim 16 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,393,478 to Bahlman in view of U.S. Patent 6,356,633 to Armstrong and U.S. Patent 6,750,879 to Sandberg. The Examiner rejected claim 29 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,393,478 to Bahlman in view of U.S. Patent 6,356,633 to Armstrong and U.S. Patent 6,711,137 to Klassen.

Applicant has amended claims 1-3, 8-22, 24-26 and 29-30, canceled claims 4-7, 23 and 27-28 and added new claims 31-34. No new matter has been entered.

Applicant has amended claim 1 to include a button physically located on at least one of said connected remotely connectable devices. Neither Bahlman '242 nor Sandberg teaches such a button as stated by the Examiner. The reasons are neither

reference contemplates the need for a button and the addition of such a button would destroy both references.

The systems and methods of Bahlman '242 are initiated by executing a computer program (col. 2, lines 22-23 and col. 7, lines 48-53). The systems and methods of Sandberg are designed around GUIs (see Figures 6-10 and 12 and col. 3, line 66 – col. 4, line 2). Neither reference is capable of being initiated via a physical button because there is an ease of use, with respect to these applications, that comes with having them initiated via a computer algorithm. Replacing the stated methods of initiating applications in the combined Bahlman '242 and Sandberg device with a physical button would destroy the intended purpose of both references.

The Examiner rejected claims 11 and 23 under 35 U.S.C. 103(a) using a combination of Bahlman '478 and Armstrong. This combination is improper. As noted by the Examiner, Bahlman '478 is silent on the user making a service check request and sending the data back to the user. This is because network operators and technicians, not the end users, use the systems and methods of Bahlman '478 (see col. 5, lines 6-25). In addition, Armstrong describes a system and method of merging email and customer response systems together (see col. 2, lines 30-35). These are simply two separate endeavors which cannot be combined to achieve the desired combination. Finally, the Examiner states because Bahlman '478 is deficient in certain areas, that the compensation for this deficiency is sufficient motivation to combine. This is not supported because Bahlman '478 does not describe the alleged deficiency itself. Also, Bahlman '478 is finite in what it teaches one of ordinary skill in the art. The mere fact that Bahlman '478

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can be augmented with another reference simply because Bahlman '478 is finite is not a proper motivation to combine Bahlman '478 with any other reference.

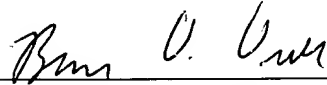
Nonetheless, Applicant has amended claim 11 to include a button physically located on the cable modem and canceled claim 23. As neither Bahlman nor Armstrong teach the use of a physical button located on a cable modem, claim 11 and its dependent claims are therefore allowable.

New claim 31 recites the testing unit testing the operation a cable modem in response to a telephone call from a user. This feature is neither shown nor described in any of the cited references and is therefore patentable.

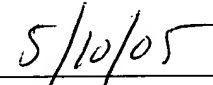
All pending claims not specifically identified above are allowable as they depend from allowable claims. Reconsideration and a Notice of Allowance are respectfully requested.

Respectfully submitted,

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